

Rich discloses a technique for optimizing the quality of a received signal. FIG. 1 of Rich illustrates a receiver (having gain) 108, a signal quality determiner 111, and a gain controller 112. The gain controller 112 adjusts the gain of the radio receiver in response to the quality of the received signal. See col. 5, ll. 60-62 of Rich.

As admitted in the Action, Rich fails to show a low noise amplifier with an adjustable input intercept point. In addition, Rich fails to show that the input intercept point is adjusted depending on the computed error rate. The Action relies on Peterzell for the claimed features missing from Rich.

The Action asserts that Peterzell teaches an adjustable input intercept point and concludes that it would have been obvious to one of ordinary skill in the art to modify Rich's teaching by Peterzell's in order to have a variable gain amplifier. The Action has not shown why it would have been obvious to one skilled in the art to modify Rich in the manner suggested. The statement "in order to have a variable gain amplifier" at best explains a possible result of a combination but does not explain why one skilled in the art would have been motivated to make the proposed combination. Thus, the Action has failed to establish a *prima facie* case of obviousness. Applicant respectfully submits that one skilled in the art would not have been motivated to modify Rich with the teaching of Peterzell in order to have a variable gain amplifier, particularly because the receiver in Rich already has variable gain.

Assuming, for the sake of argument, that the proposed combination could have been made, it would not result in the claimed subject matter.

Peterzell discloses a technique for increasing receiver immunity to interference. According to the Abstract of Peterzell, a power level of a received signal is detected, and, based on the power level, a low noise amplifier is connected or by-passed, thus increasing the intercept point of the receiver components. Peterzell does not disclose or suggest a low noise amplifier with an adjustable input intercept point. At best, the receiver components of Peterzell have an input intercept point that is adjustable by connecting and disconnecting a low noise amplifier. Moreover, in Peterzell, the input intercept point is adjusted based on the power level of the received signal, not based on a computed error rate as recited in claim 1. Thus, Peterzell fails to make up for the deficiencies of Rich, and claim 1 is considered allowable over any combination of these patents.

Application No. 09/035,944



Attorney's Docket No. 027575-152

Claims 8 and 15 recite similar features as claim 1 and are considered allowable for at least the same reasons. Claims 2-7, 9-14, and 16-21 depend from claims 1, 8, and 15, respectively, and are considered allowable for at least the same reasons.

For the foregoing reasons, all the claims are considered allowable. A Notice to this effect is respectfully solicited. If any questions remain, the Examiner is invited to contact the undersigned at the number given below.

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Respectfully submitted,

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